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| TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 | SOLICITOR SEP 11 2007 U.S. PATENT & TRADEMARK OFFICE | REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court, **Eastern District of Texas** on the following ☒ Patents or ☐ Trademarks:

| | | |
|-------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------|
| DOCKET NO. | DATE FILED 9/6/2007 | U.S. DISTRICT COURT Eastern District of Texas |
| PLAINTIFF Becton, Dickinson and Company and MDC Investment Holdings, Inc. | | DEFENDANT Retractable Technologies, Inc. |
| PATENT OR TRADEMARK NO. | DATE OF PATENT OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK |
| 1 6,179,812 | 1/30/2001 | MDC Investment Holdings, Inc. |
| 2 7,090,656 | 8/15/2006 | MDC Investment Holdings, Inc. |
| 3 | | |
| 4 | | |
| 5 | | |

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

| | | |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| DATE INCLUDED 9/6/2007 | INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input checked="" type="checkbox"/> Other Pleading | |
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| 4 | | |
| 5 | | |

In the above—entitled case, the following decision has been rendered or judgement issued:

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|--------------------|
| DECISION/JUDGEMENT |
|--------------------|

| | | |
|-------|-------------------|------|
| CLERK | (BY) DEPUTY CLERK | DATE |
| | | |

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

FILED-CLERK
U.S. DISTRICT COURT
07 SEP -6 PM 3:09
TEXAS-EASTERN
BY _____

BECTON, DICKINSON AND COMPANY and)
MDC INVESTMENT HOLDINGS, INC.)
)
PLAINTIFFS)
vs.)
)
RETRACTABLE TECHNOLOGIES, INC.,)
)
DEFENDANT)

Civil Action No. **507CV 137**
Folsom (Jury Requested)

COMPLAINT

INTRODUCTION

1. This is an action for patent infringement by the plaintiffs, Becton, Dickinson and Company ("BD") and MDC Investment Holdings, Inc. ("MDC") against the defendant, Retractable Technologies, Inc. ("RTI"), pursuant to Title 35 of the United States Code.

PARTIES

2. BD is a New Jersey corporation with its principal place of business in Franklin Lakes, New Jersey.

3. MDC is a Delaware corporation with its principal place of business in Bountiful, Utah.

4. Upon information and belief, RTI is a Texas corporation with its principal place of business in Little Elm, Texas.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331 and 1338(a).

6. Venue is proper in this District under 28 U.S.C. §§ 1391(c) and 1400(b) as RTI is a Texas corporation with a regular and established place of business in this District and has committed acts of infringement in this District.

COUNT 1: INFRINGEMENT OF U.S. PATENT NO. 6,179,812

7. MDC owns, and BD is the exclusive licensee with the right to sue for infringement of United States Patent No. 6,179,812 (the “‘812 patent”), entitled “Retractable Needle Medical Devices” and assigned to MDC. A true and correct copy of the ‘812 patent, which issued on January 30, 2001, is attached hereto as Exhibit A.

8. RTI is infringing and has infringed and/or induced infringement of and/or contributed to the infringement of one or more claims of the ‘812 patent, including, without limitation, by making, using, selling, offering for sale, and/or importing syringes, including its VanishPoint® line of syringes, covered by the ‘812 patent

9. BD and MDC have suffered damages as a result of RTI’s infringement and will suffer severe and irreparable harm unless the Court enjoins RTI’s infringement.

COUNT 2: INFRINGEMENT OF U.S. PATENT NO. 7,090,656

10. MDC owns, and BD is the exclusive licensee with the right to sue for infringement of United States Patent No. 7,090,656 (the “‘656 patent”), entitled “Medical Devices with Retractable Needle” and assigned to MDC. A true and correct copy of the ‘656 patent, which issued on August 15, 2006, is attached hereto as Exhibit B.

11. RTI is infringing and has infringed and/or induced infringement of and/or contributed to the infringement of one or more claims of the ‘656 patent, including, without limitation, by making, using, selling, offering for sale, and/or importing syringes, including its VanishPoint® line of syringes, covered by the ‘656 patent.

12. BD and MDC have suffered damages as a result of RTI's infringement and will suffer severe and irreparable harm unless the Court enjoins RTI's infringement.

PRAYER FOR RELIEF


WHEREFORE, BD and MDC request that the Court:

1. Enter judgment that RTI has and continues to infringe the '812 and '656 patents;
2. Enjoin RTI, its officers, directors, employees, agents, licensees, successors, and assigns, and all persons in concert with them, from further infringement of the '812 and '656 patents;
3. Award BD and MDC compensatory damages caused by RTI's infringement, plus pre-judgment and post-judgment interest accrued on such amounts as provided by law;
4. Award BD and MDC its costs and expenses of this litigation, including reasonable attorneys' fees and disbursements, pursuant to 35 U.S.C. § 285; and
5. Award BD and MDC such further relief as the Court deems just and proper.

PLAINTIFF CLAIMS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE

Respectfully submitted,

September 6, 2007



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